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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT**
 13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE
 16 COMPANY,

17 USA CAPITAL REALTY ADVISORS,
 18 LLC,

19 USA CAPITAL DIVERSIFIED TRUST
 20 DEED FUND, LLC,

21 USA CAPITAL FIRST TRUST DEED
 22 FUND, LLC,¹

23 USA SECURITIES, LLC,² Debtors.

24 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

25 Case No. BK-S-06-10725-LBR
 26 Case No. BK-S-06-10726-LBR
 1 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR¹
 2 Case No. BK-S-06-10729-LBR²

27 **CHAPTER 11**

28 Jointly Administered Under Case No.
 29 BK-S-06-10725 LBR

30 **NOTICE OF HEARING REGARDING
 31 THIRD OMNIBUS OBJECTION OF
 32 USACM TRUST TO PROOFS OF
 33 CLAIM BASED UPON
 34 INVESTMENT IN THE I-40
 35 GATEWAY WEST LOAN; AND
 36 CERTIFICATE OF SERVICE**

37 Date of Hearing: June 9, 2008
 38 Time of Hearing: 9:30 a.m.

39 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM**
 40 **THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR**
 41 **CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE I-40**
 42 **GATEWAY WEST LOAN BECAUSE THE USACM TRUST CONTENDS THAT**

43 ¹ This bankruptcy case was closed on October 12, 2007.

44 ² This bankruptcy case was closed on December 26, 2007.



1 **YOU HAVE BEEN PAID IN FULL FOR YOUR INVESTMENT IN THAT LOAN.**
2 **THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO THE EXTENT IT IS**
3 **BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

4 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
5 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
6 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
7 **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**
8 **GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

9 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its
10 Third Omnibus Objection to Proofs of Claim Based Upon Investment in the I-40 Gateway
11 West Loan (the "Objection"). Your Proof of Claim number and other information
12 regarding your claim is provided in **Exhibit A**, attached. The USACM Liquidating Trust
13 has requested that this Court enter an order, pursuant to Bankruptcy Code § 502 and
14 Bankruptcy Rule 3007, disallowing your Proof of Claim to the extent it is based upon an
15 investment in the I-40 Gateway West Loan. The Objection will not impact your Claim to
16 the extent it is based upon an investment in a different loan.

17 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
18 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
19 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
20 **June 9, 2008, at the hour of 9:30 a.m.**

21 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON JUNE 9,**
22 **2008, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
23 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
24 **HEARD ON THAT DATE.**

25 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
26 by June 2, 2008 pursuant to Local Rule 3007(b), which states:



1 If an objection to a claim is opposed, a written response must be filed and
 2 served on the objecting party at least 5 business days before the scheduled
 3 hearing. A response is deemed sufficient if it states that written
 4 documentation in support of the proof of claim has already been provided to
 5 the objecting party and that the documentation will be provided at any
 6 evidentiary hearing or trial on the matter.

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this
 8 pleading with the Court. You *must* also serve your written response on the person who
 9 sent you this notice.

10 If you do not file a written response with the Court, or if you do not serve your
 11 written response on the person who sent you this notice, then:

- 12 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 13 • The Court may *rule against you* and sustain the objection without formally
 14 calling the matter at the hearing.

15 Dated: April 28, 2008.

16 LEWIS AND ROCA LLP

17 By /s/ Rob Charles (#6593)
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 19 Rob Charles, NV 6593
 20 John C. Hinderaker, AZ 18024 (*pro hac vice*)
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 26 *Attorneys for the USACM Liquidating Trust*

1 Copy of the foregoing mailed by first class
 2 postage prepaid U.S. Mail on
 3 April 28, 2008 to:

4 Parties listed on Exhibit A attached.

5 s/Renee L. Creswell
 6 Renee L. Creswell
 7 Lewis and Roca LLP